IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Bail Appl..No. 1895 of 2007()

LP.123/2004 of J.M.F.C.,OTTAPPALAM

Crime No.313/1996 of Ottappalam Police Station

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: PETITIONER/3RD ACCUSED.

RAZAK, S/O.POKKER HAJI,
KULAMBIL PADINHAKKARA HOUSE,
VETTIKKATTIRI P.O., THRISSUR.

BY ADV. SRI.K.PRAVEEN KUMAR
SMT.T.J.SEEMA

RESPONDENTS: COMPLAINANT & STATE.

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1. SUB INSPECTOR OF POLICE,
OTTAPALAM POLICE STATION.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1895 OF 2007 B

Dated this the 2nd day of April, 2007

O R D E R

Petitioner, who is the 3rd accused in Crime No.313/1996 of Ottappalam Police Station for an offence punishable under section 420 read with section 34 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.229/99 on the file of the JFCM, Ottappalam, the case against him was split up and transferred to the Long Pending Register as L.P.No.123/2004. Non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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